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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,257	05/02/2001	Naohiro Isshiki	B422-148	6909
26272	7590	10/12/2005	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/847,257

Applicant(s)

ISSHIKI, NAOHIRO

Examiner

Tung S. Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/15/2005 has been entered.

### **Claim benefit of earlier filing date**

2. Reminds the applicants that to claim benefit of earlier filing date right of priority under 35 U.S.C. 119 the applicant(s) must provide the translation of such document if not in English (see 35 U.S.C. 119 (b) (3)).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

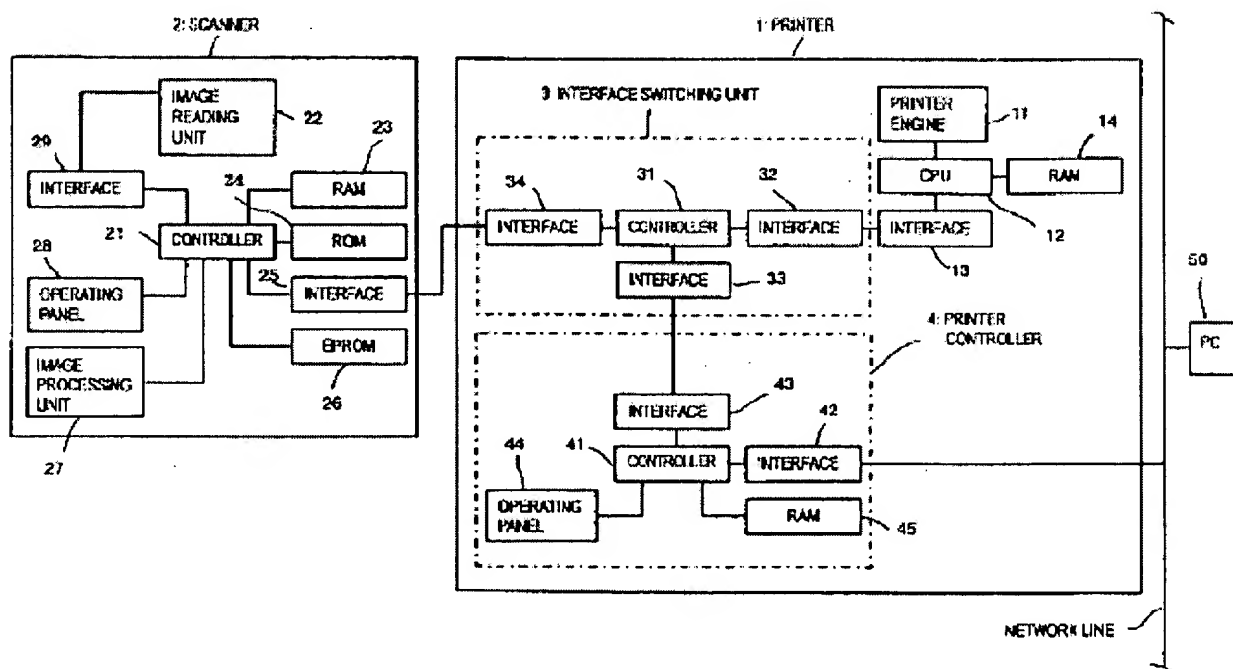
Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yamazaki et al. (U.S. Patent 6,400,466).

Regarding claim 1:

Yamazaki discloses a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising: a recognition unit for recognizing an account function of another data processing apparatus (fig. 1, unit 11, 12); a decision unit for deciding whether said data processing apparatus is to effect a account process for a first process by said data processing apparatus and for a second process by said another data processing apparatus (Col. 11, Lines 4-45); in the case where said recognition unit recognizes that said another data processing apparatus does not have the account function (fig. 2); and a control unit for controlling execution of the account process in accordance with the decision by said decision unit (Col. 11, Lines 4-45).

FIG. 1



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Regarding claim 5:

Yamazaki discloses a data processing apparatus comprising: a processing portion for effecting a predetermined process with respect to another data processing apparatus (Col. 11, Lines 4-45); an Information portion for informing said another data processing apparatus that the data processing apparatus has the account function, so that said another data processing apparatus does not execute the account process for the predetermined process (Col. 11, Lines 4-45, fig. 2); and a account portion for executing the account process for a first process by said data processing apparatus and for a second process by said another data processing apparatus in order to execute the predetermined process after the information by said information portion (Col. 11, Lines 4-45).

Regarding claim 6:

Yamazaki discloses a method for controlling a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising: recognizing a account function of the another data processing apparatus (Col. 11, Lines 4-45, fig. 2); deciding that said data processing apparatus is to effect a account process for a first process by said data processing apparatus and for a second process by said another data processing apparatus (Col. 11, Lines 4-45), in the case where said recognition step recognizes that said another data processing apparatus does not have the account function (Col. 11, Lines 4-45); and controlling execution of the account

process in accordance with the decision by said decision unit (Col. 11, Lines 4-45).

Regarding claim 7:

Yamazaki discloses a method for controlling a data processing apparatus comprising: effecting a predetermined process with respect to another data processing apparatus (fig. 2, Col. 2-3, Lines 40-17); informing said another data processing apparatus that the data processing apparatus has the account function , so that said another data processing apparatus does not execute the account process for the predetermined process (fig. 2, Col. 2-3, Lines 40-17); and executing the account process for a first process by said data processing apparatus and for a second process by said another data processing apparatus in order to execute the predetermined process after the informing. by said informing step (Col. 11, Lines 4-45).

Regarding claim 2, Yamazaki further discloses decision what effects the decision on a basis of information received from another data processing apparatus (fig. 1, unit 2, 50); Regarding claim 3, Yamazaki further discloses wherein the predetermined process is a process for printing an image read by said another data processing apparatus in the data processing apparatus; and the account process is based on at least one part of information regarding the number of images read by said another data processing apparatus (Col. 2-3, Lines 40-12), monochromatic reading, color reading, the number of sheets to be printed by

said another data processing apparatus, monochromatic printing and color printing (Col. 3-4, Lines 55-21); Regarding claim 4, Yamazaki further discloses wherein the predetermined process is a process for printing as image read by the data processing apparatus in said another data processing apparatus; and the account process is based on at least one part of information regarding the number of images read by the data processing apparatus (Col. 2-3, Lines 40-12), monochromatic reading, color reading, the number of sheets to be printed by said another data processing apparatus, monochromatic printing and color printing (Col. 3-4, Lines 55-21).

#### ***Response to Arguments***

4. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 09/15/2005 have been fully considered but they are not persuasive.

A. Applicant argues that the prior art does not show claim 1, 5 and 7. Please see the detailed rejection above.

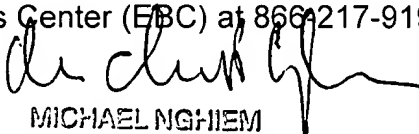
B. Applicant also argues that the prior art does not show 'recognized the other data processing does not have an account function', Yamazaki discloses 'recognized the other data processing does not have an account function' in Col. 11, Lines 10-37 and fig. 2.

The examiner reminds to the applicants that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent

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with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re* Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MICHAEL NGHIEM  
PRIMARY EXAMINER

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